

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RAYMOND MAXWELL UPCHURCH,

Plaintiff,

v.

**MULTNOMAH UNIVERSITY and JAKE
COBURN, an individual,**

Defendants.

Case No. 3:19-cv-850-AC

ORDER

Michael H. Simon, District Judge.

U.S. Magistrate Judge John Acosta issued Findings and Recommendation in this case on December 7, 2021. Judge Acosta recommended that the Court deny Defendant Jake Coburn's Motion to Dismiss. No party has filed an objection.

Under the Federal Magistrates Act ("Act"), the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party files an objection to a magistrate judge's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Acosta’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Magistrate Judge Acosta’s Findings and Recommendation, ECF 78. The Court DENIES Defendant Coburn’s Motion to Dismiss, ECF 73.

IT IS SO ORDERED.

DATED this 22nd day of December, 2021.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge